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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/185,878	11/03/1998	JEREMY R. LENT	132538-1001	1164

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GARDERE WYNNE SEWELL LLP  
INTELLECTUAL PROPERTY SECTION  
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EXAMINER
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FISCHER, ANDREW J

ART UNIT	PAPER NUMBER
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3621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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In re Application of: Jeremy R. Lent et. al.	: DECISION ON PETITION
Appl. No. 09/185,878	: FOR CORRECTION OF
Patent No. 6,567,791	: OF PATENT UNDER
Filed: November 3, 1998	: 37 C.F.R. § 1.324
For: METHOD AND APPARATUS FOR A	:
VERIFIABLE ON LINE REJECTION	:
OF AN APPLICATION FOR CREDIT	:

This is a decision on a petition under 37 C.F.R. § 1.324 filed 02 June 2009 ("June 2009 Petition") to correct the inventorship of a patent under 37 C.F.R. § 1.324.

The petition is **dismissed**.

A petition to correct inventorship as provided by 37 C.F.R. § 1.324 requires (1) a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on their part, (2) a statement from the current named inventors (including any "inventor" being deleted) who have not submitted a statement as per "(1)" either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change, (3) a statement from all assignees of the parties submitting a statement under "(1)" and "(2)" agreeing to the change of inventorship in the patent; such statement must comply with the requirements of 37 CFR 3.73(b); and (4) the fee set forth in 37 CFR 1.20(b). This petition lacks a statement from all currently named inventors as per "(1)" either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change.

Suspension of the rules under 37 C.F.R. § 1.183 may be granted for any requirement of the regulations which is not a requirement of a statute. In this instance, the June 2009 Petition is requesting waiver of a statute (*i.e.* 35 U.S.C. § 256). Because 35 U.S.C. 256 requires all currently named inventors to supply a statement as noted

above and because the USPTO can not waive statutory requirements<sup>1</sup>, the waiver can not be granted.

Accordingly, the petition under 37 C.F.R. § 1.1.324 is dismissed as moot.



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7/26/2010

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<sup>1</sup> See *In re Mother Tucker's Food Experience, Inc.*, 925 F.2d 1402, 1404-05, 17 USPQ2d 1795, 1797-98 (Fed. Cir. 1991) (noting that PTO cannot waive statutory requirements).